

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Blakes, *et al.*,

Plaintiffs,

vs.

Illinois Bell Telephone Company d/b/a  
AT&T Illinois,

Defendant.

CASE NO. 11-cv-336

Judge Kim  
On Consent

**PLAINTIFFS' MOTION TO EXCLUDE CERTAIN NAMED PLAINTIFFS FROM THE  
SETTLEMENT CONFERENCE**

Plaintiffs, James Blakes, et al., by and through their attorneys, Aaron B. Maduff and Walker R. Lawrence of Maduff & Maduff, LLC, submit Plaintiffs' Motion to Exclude Certain Named Plaintiffs from the Settlement Conference:

1. On January 13, 2014 this Court entered an order scheduling a Settlement Conference for February 26, 2014. That Order also required the Parties to comply with this Court's Standing Order and for Plaintiffs' Counsel to provide a letter to defense counsel by February 12, 2014 and the Defendant to respond by February 19, 2014.

2. The Court's Standing Order requires that "parties with full and complete settlement authority are required to personally attend the conference." However, the Court may under a separate order, allow a party not to attend in person.

3. As the Court is aware, this case involves an FLSA collective action under 29 U.S.C. §216(b). Moreover, because Magistrate Judge Kim has certified (after decertification) a collective action, this case involves approximately 350 individuals.

4. Moreover, as is typical in a case of this nature, if a resolution is reached any Settlement will require approval by Magistrate Judge Kim and will further require notice to be sent out to all opt-ins informing each of them of the Settlement, its terms, how it impacts

them personally, and what options (if any) they have in participating or not participating in such Settlement.

5. Nonetheless, it is Maduff's practice in these cases to have a steering committee that is authorized to negotiate on behalf of the opt-ins. In fact the notice that was sent out to each of the opt-ins provides the following:

By joining this lawsuit, you designate the Named Plaintiffs as your agents to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into by the representative Plaintiffs will be binding on you if you join this lawsuit.

6. Accordingly, the Steering Committee consists of the seven Named Plaintiffs.

7. Unfortunately, at the time the settlement conference was scheduled Plaintiffs' counsel was not aware that two of the Named Plaintiffs were scheduled to participate in an arbitration hearing against Illinois Bell (regarding an unrelated matter) that same day.

8. Plaintiffs' counsel agreed to the settlement conference because it was the only date that worked with the Court and counsel for both parties prior to February 28, 2014 — the date the Court's decertification order is scheduled to become effective.

9. As a result, they cannot attend the settlement conference. Accordingly, the Plaintiffs' request that Phillippe Porter and Ernest Roberts be given leave to not attend in person.<sup>1</sup>

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<sup>1</sup> We have requested that they check in with Plaintiffs' counsel during any and all breaks in the arbitration hearing during the settlement conference.

WHEREFORE, James Blakes, et al., respectfully request this Court enter an order allowing Phillipe Porter and Ernest Roberts not to attend in person at the Settlement Conference on February 26, 2014.

Respectfully Submitted,

By:/s/ Walker R. Lawrence

Walker R. Lawrence  
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Phone: 312-276-9000

**CERTIFICATE OF SERVICE**

By my signature below, I hereby certify that on Wednesday, December 18, 2013, I electronically filed Plaintiffs' Motion To Exclude Certain Named Plaintiffs From The Settlement Conference with the Clerk of the Court by using the CM/ECF System, which will send notice to counsel of record.

Respectfully Submitted,

By:/s/ Walker R. Lawrence

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